

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re: SEAN M. MURRAY

Case No. 17-44157

Chapter: 7

Debtor(s)

U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
CLERK  
2018 AUG - 7 P 4:11

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed motion of SEAN M. MURRAY a hearing will be held before the Hon. Elizabeth S. Stong, Bankruptcy Judge, to consider the motion for an Order granting relief as follows:

SEAN M. MURRAY, Debtor Pro Se and Movant herein, seeks to strike docket no. 81, Objection to Order to Show Cause to Cancel Specialized Loan Servicing, LLCs Sale and hold NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, Attorneys for RAS BORISKIN, LLC, and ROBERTSON, ANSCHUTZ & SCHNEID, P.L.: Miriam Joy Rosenblatt, Esquire; Barbara Whipple, Esq.; and Michael Adam Samuels, Esq.; Can Guner, Esquire; and Cleo Sharaf-Green, Esq.; in contempt of court and responsible for sanctions and costs for false and misleading statements, not participating in good faith and for willful failure and refusal to provide sufficient and proper service of process of their Objection to Debtor's Application for an Order to Show Cause (docket no. 74).

Tuesday, August 28, 2018 at 10am  
U.S. Bankruptcy Court  
271-C Cadman Plaza East  
Brooklyn, New York 11201-1800  
Courtroom # 3585, 3rd Floor

Dated: Tuesday, August 7, 2018

By: SEAN M. MURRAY  
SEAN M. MURRAY  
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**MOTION TO STRIKE FOR IMPROPER SERVICE IN REPLY TO  
NATIONSTAR'S OBJECTION TO ORDER TO SHOW CAUSE (Docket no. 81)**

SEAN M. MURRAY Debtor Pro Se submits the following Motion to Strike Docket Entry no. 81 of July 19, 2018, Objection to Order to Show Cause to Cancel Specialized Loan Servicing, LLCs Sale and to hold NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, RAS BORISKIN, LLC, ROBERTSON, ANSCHUTZ & SCHNEID, P.L., and Attorneys: Miriam Joy Rosenblatt, Esquire; Barbara Whipple, Esq.; Michael Adam Samuels, Esq.; Can Guner, Esquire; and Cleo Sharaf-Green, Esq.; in contempt of court and responsible for sanctions and costs for false and misleading statements, not participating in good faith and for willful failure and refusal to provide sufficient and proper service of process of their Objection to Debtor's Application for an Order to Show Cause (docket no. 74).

1. On July 19, 2018 Cleo Sharaf-Green, Esq. of ROBERTSON, ANSCHUTZ & SCHNEID, P.L., acting on behalf of Nationstar Mortgage LLC D/B/A Mr. Cooper ("Nationstar"), electronically filed the Objection (docket no. 81) to the Order to Show Cause (docket no. 75).
2. The CERTIFICATE OF SERVICE attached to Nationstar's Objection to Order to Show Cause features an incorrect mailing address for service of process for the Debtor: 3251 79th St, Unit 4E, Jackson Heights, NY 11372.
3. Debtor's legal address and mailing address for service of process is: P.O. Box 1110, Albany, NY 12201-1110.
4. Debtor's property subject to Loss Mitigation Proceedings is the Stock Shares and

Proprietary Lease securing Tenancy at 35-21 79th Street, Apartment 4E, Jackson Heights, New York 11372, U.S.A.

5. In Paragraph 2 Attorney Cleo Sharaf-Green, Esq. states that on the Petition Date Nationstar was the servicer to the holder of a certain Promissory Note in the principal amount of \$195,600.00 (the “Note”) and Security Agreement (the “Security Agreement” together with the Note and related loan documents, the “Loan”) securing payment of the Loan with a perfected security interest on the Debtor’s cooperative unit located at 3251 79th Street, Unit 4E, Jackson Heights, NY 11372 (the “Unit”).

6. Debtor has shown in previous filings (dockets no. 31 and docket no. 52) that the security interest or lien is unperfected due to non-existent collateral, errors in the legal description and avoidable due to interference with the Debtor’s Homestead Exemption, among other reasons.

7. Debtor has also shown that the Note was paid in full<sup>1</sup> prior to the filing of the instant Bankruptcy Case, was endorsed to HSBC MORTGAGE CORPORATION (USA), N.A., and Attorneys for Nationstar and Specialized Loan Servicing, LLC (“SLS”) claim the Security Agreement (“Mortgage”) is allegedly owned by Freddie Mac.

8. Attorney for alleged secured creditor Nationstar additionally stipulates and admits:

- a. in Paragraph 3 - 7 that:
  - i. Debtor received a discharge December 8, 2017.
  - ii. effective December 18, 2017 the Debtor’s alleged Loan was service transferred from Nationstar to the successor servicer, SLS.

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<sup>1</sup> Any further attempt to fraudulently exercise rights to a paid in full, unenforceable, unperfected, avoidable lien and security interest in chattel property, is taken on notice of the Debtor’s claims, rights, defenses and attempts to communicate, mitigate losses and resolve the issue with the alleged secured creditor(s).

iii. Chapter [7] Trustee's Report of No Distribution was docketed on January 15, 2018.

iv. February 23, 2018 the Court entered an Order directing the Debtor and Nationstar to engage in the Court's Loss Mitigation Program.

v. on March 6, 2018 Ehret Anne Van Horn of Gross Polowy, LLC filed a Notice of Appearance on behalf of SLS.

b. in Paragraphs 9 - 12 that:

i. Nationstar was ordered to participate in Loss Mitigation on April 10, 2018.

ii. SLS is not affiliated with Nationstar.

iii. the Order is incorrect as SLS and Nationstar are two separate entities.

iv. servicing was transferred to the successor servicer, SLS and Nationstar no longer services the Debtor's alleged loan.

9. Debtor's February 23, 2018 and February 27, 2018 Request(s) to Enter Loss Mitigation at docket nos. 32 and 36 reference Nationstar and SLS as separate alleged creditors with two separate alleged loan numbers. The Court's February 23, 2018 Order at docket no. 34 directing the parties to participate in Loss Mitigation features Nationstar Mortgage LLC d.b.a. Mr. Cooper, as the alleged creditor with respect to the loan ending in 9916 and the April 10, 2018 Order at docket no. 55 features Nationstar Mortgage LLC, d.b.a. Mr. Cooper d.b.a. Specialized Loan Servicing. Nationstar and their Attorneys have not objected to this description until docket no. 81 on July 19, 2018, serving as evidence of their unclean hands and not acting in good faith.

10. Nationstar's Attorney omitted from the Objection's stipulations:

a. the December 13, 2017 Motion for Relief from the Automatic Stay at docket no. 26.

- b. the Memorandum of Law in Support at docket no. 27.
- c. the January 9, 2018 Chapter 7 Trustee's Motion for 2004 Examination docket no. 28.
- d. the January 15, 2018 Chapter 7 Trustee Letter to the Court Withdrawing 2004

Application.

- e. the Apr 13, 2018 Letter To Court Withdrawing Motion for Relief From Automatic Stay at docket no. 56.

11. Taken together, the above admissions of fact and apparently intentional omissions appear as further evidence of Nationstar and their Attorney's unclean hands and bad faith, supporting:

- a. that neither Nationstar nor SLS possess a right of sale in Debtor's property,
- b. the purported loan(s) was paid in full prior to the filing of the Bankruptcy Petition,
- c. that Nationstar and Attorneys filed Motion for Relief from Automatic Stay without standing or filing a valid Proof of Claim after Discharge was granted to the Debtor,
- d. Nationstar, through their Attorneys, attended the January 30, 2018 hearing prepared to argue their Motion having transferred servicing to SLS December 18, 2017 and without standing, complying with Rule 17 of the Federal Rules of Civil Procedure as Real Party in Interest or having given the Court, Chapter 7 Trustee or Debtor notice of transfer,
- e. that Nationstar and Attorneys have not complied in good faith with Judge Stong's Orders docketed at no. 34 and 55 by failing and refusing to provide written notice of the name, direct telephone number and address for a party with full settlement authority,
- f. and that Nationstar and Attorneys have not participated in good faith by willfully failing and refusing to properly and sufficiently serve the Objections at docket no. 50 and 81 on the Debtor, apparently to avoid the legal implications or repercussions.

**WHEREFORE**, Debtor respectfully moves this honorable Court to strike Nationstar's Objection in its entirety, and either grant Debtor's instant and pending Motions for Sanctions, Costs and Contempt with respect to Nationstar and their Attorneys or in the alternative, grant Debtor leave of court to prepare and file, as the court may direct, additional or amended Motion(s) for Sanctions, Costs and Contempt with respect to NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, RAS BORISKIN, LLC, and ROBERTSON, ANSCHUTZ & SCHNEID, P.L., and Attorneys: Miriam Joy Rosenblatt, Esquire; Barbara Whipple, Esq.; and Michael Adam Samuels, Esq.; Can Guner, Esquire; and Cleo Sharaf-Green, Esq.; consolidating all current matters, motions or applications against Nationstar and their Attorneys. Debtor additionally requests other and further relief as the court may deem just, equitable and/or proper.

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Tuesday, August 7, 2018.

By: SEAN M. MURRAY  
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